



March 13, 2023

**Via FOIA.gov**

Jeffrey M. Prieto  
General Counsel / Chief FOIA Officer  
National FOIA Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2310A)  
Washington, DC 20460

**Freedom of Information Act Request: Agency “Equity” Teams**

Dear Mr. Prieto:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL’s email list contains over 51,000 unique addresses, our Twitter page has 55,100 followers, the Twitter page of our Founder and President has over 415,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

**I. Background**

On February 16, 2023, President Biden issued an Executive Order titled “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”<sup>1</sup> Without direct congressional authorization or supporting appropriations, the Order requires the federal government to accelerate the advancement of facially illegal “equity” measures throughout the bureaucracy.

For instance, Section 2 of the Order instructs agency heads to establish an “Agency Equity Team” by March 15, 2023, and to staff those Agency Equity Teams at each

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<sup>1</sup> Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 22, 2023).

agency with personnel from every possible component of each agency (policy, legal, communications, financial assistance, civil rights, procurement, etc.), and to radically transform the way that the agencies conduct every aspect of their operations. The Order specifically charges each Agency Equity Team with “the implementation of equity initiatives” and “delivering equitable outcomes” for the American people.

In addition to “delivering equitable outcomes,” the Order charges each Agency Equity Team with ensuring “continued equity training and equity leadership development,” and embedding “equity” into everything each agency does. And the Order creates a “White House Steering Committee on Equity,” chaired by Assistant to the President Susan Rice, to coordinate efforts to embed “equity” at every agency.

The Order also directs all agencies to “facilitate equitable flows of private capital” when advancing urban development policies. The Order directs all federal agencies to favor “underserved communities” and provide them with special treatment. The Order mandates that favored groups obtain federal government preferences. Section 5 requires agencies to “Deliver Equitable Outcomes” to the specified privileged classes; Section 7 mandates agencies direct procurement to them.

Our Constitution and civil rights laws command that all Americans be treated equally, based on individual merit, and irrespective of immutable characteristics such as race, color, sex, or national origin. However, the Order aims to embed a morally reprehensible system of preferences based entirely on such characteristics in every aspect of the federal government’s operations. This is unlawful.

## **II. Requested Records**

Pursuant to 5 U.S.C. § 552(a), AFL requests the following records.

- A. Records sufficient to identify the names and positions of all employees who are included in the “Agency Equity Team”.
- B. All records of resumes and position descriptions on file for each individual identified in Part A, above.
- C. All records, including communications, relating to the selection process for the “Agency Equity Team”.

## **III. Processing and Production**

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees. The requested documents will be posted in their entirety on our website and made freely available to the general public and this request is not being made for commercial purposes. AFL broadly disseminates information to the public regarding

the operations and activities of the federal government, and its requests for fee waivers have been routinely granted by numerous federal agencies.

Processing should occur in strict compliance with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein  
America First Legal Foundation